IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY _____ D.C.

05 DEC -8 PM 12: 35

THOMAS M. GOULD
CLERK, US DISTRICT COURT
W/D OF TN MEMPHIS

HENRY T. PHILLIPS,

    Plaintiff,

v.   No. 04-2746 B

JOHN E. POTTER, Postmaster General,

    Defendant.

ORDER TO SHOW CAUSE WHY DEFENDANT'S MOTION
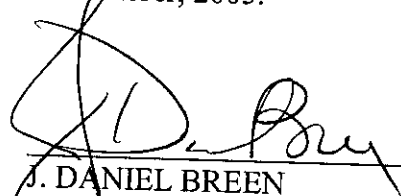FOR SUMMARY JUDGMENT SHOULD NOT BE GRANTED

This lawsuit was brought by the pro se Plaintiff, Henry T. Phillips, on September 22, 2004.

On October 24, 2005, the Defendant, John E. Potter, Postmaster General, moved for dismissal

or, in the alternative, for summary judgment as to all claims alleged by the Plaintiff. According to

the Court's docket, no response has been filed by Phillips, even though the deadline for such response

has expired.[1] Indeed, no action whatever has been taken in this case on the Plaintiff's part since the

motion was filed.

Accordingly, the Plaintiff is hereby directed, within fifteen (15) days of the entry hereof, to

show cause why the motion referenced herein should not be granted. Failure of the Plaintiff to

comply in a timely manner with this order may result in the granting of the pending motion and

dismissal of this lawsuit with prejudice for failure to prosecute.

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[1]Under the Local Rules of this district, responses to motions to dismiss and for summary
judgment "must be filed within thirty days of service of the motion." LR7.2, Local Rules of the
U.S. Dist. Ct. for the W. Dist. of Tenn.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 12-8-05

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IT IS SO ORDERED this $\underline{7}$ day of December, 2005.

J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF TENNESSEE

Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:04-CV-02746 was distributed by fax, mail, or direct printing on December 8, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT